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FILED

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BOARD OF PHARMACY

By: Kevin R. Jespersen
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY
Docket No. BDSPH 02510-2006S

IN THE MATTER OF THE SUSPENSION:
OR REVOCATION OF THE LICENSE OF:

CYNTHIA D. CRITCHFIELD, R.PH.
LICENSE NO. 28RI02097600

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL CONSENT ORDER

This matter is being opened to the Board of Pharmacy (the "Board") by Kevin R. Jespersen, Deputy Attorney General, appearing for Stuart Rabner, Attorney General of the New Jersey, upon notice to Carl D. Poplar, Esq., attorney for the Respondent Cynthia D. Critchfield, R.Ph. On February 23, 2006, a Grand Jury of the State of New Jersey, for the County of Burlington, issued Indictment No.

06-02-00277-I in the matter State v. Critchfield (the "Indictment"), against the Respondent Critchfield. The Indictment alleged, among other things, that the Respondent Critchfield knowingly committed health care claims fraud, a second degree offense under the provisions of N.J.S.A. 2C:21-4.3(a). On June 6, 2005, the Attorney General filed with the Board and against the Respondent Critchfield an Administrative Complaint. The Administrative Complaint alleged, among other things, similar health care claims fraud as alleged in the Indictment. The Administrative Complaint further alleged that the conduct of the Respondent Critchfield constituted professional misconduct, in violation of N.J.S.A. 45:1-21(e); constituted the use of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, in violation of N.J.S.A. 45:1-21(b); constituted acts that are a crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board, in violation of N.J.S.A. 45:1-21(f); constituted a failure to comply with N.J.S.A. 45:14-26.1, an act administered by the Board, in violation of N.J.S.A. 45:1-21(h); and constituted the indiscriminate dispensing of controlled dangerous substances in violation of N.J.S.A. 45:1-21(m). On July 14, 2005, the Respondent Critchfield filed an Answer that denied the principal allegations of the Administrative Complaint. On April 20, 2006, the matter was filed with the Office of Administrative Law. On October 23, 2006,

the Indictment was amended to allege one count of health care claims fraud in the third degree, an offense under the provisions of N.J.S.A. 2C:21-4.3(c). On that same day, the Respondent Critchfield pleaded guilty to one count of knowingly committing health care claims fraud in the third degree, a violation of N.J.S.A. 2C:21-4.3(c). The Respondent Critchfield admitted that she, as a registered pharmacist, regenerated prescriptions on multiple occasions without the authorization of a physician. On January 11, 2007, the Superior Court of New Jersey, Law Division, Criminal Part, Burlington County, entered a Judgment of Conviction against the Respondent Critchfield for one count of third degree health care claims fraud, a violation of N.J.S.A. 2C:21-4.3(c).

The charge to which the Respondent Critchfield pleaded guilty and of which she was convicted constitutes a violation of the statutes and regulations governing the practice of pharmacy in the State of New Jersey and is actionable pursuant to N.J.S.A. 45:1-21(f), among other provisions. In order to avoid further proceedings in this case, the Respondent Critchfield consents and agrees to each and every term of this Final Consent Order. The Board hereby finds that the Respondent Critchfield has engaged in conduct that constitutes multiple violations of N.J.S.A. 45:1-21(b), (e), (f), (h) and (m). The Board has determined that the within disposition is adequate to protect the public health, safety and welfare. For such reasons and other good cause shown,

IT IS on this 18th day of April, 2007,

ORDERED:

1. The Respondent Cynthia Critchfield, R. Ph., hereby withdraws her Answer to the Administrative Complaint and does not contest any of the allegations of the Administrative Complaint. The Respondent Critchfield affirmatively admits that she, as a registered pharmacist, regenerated prescriptions on multiple occasions without the authorization of a physician.

2. The license of the Respondent Cynthia Critchfield, R. Ph., to engage in the practice of pharmacy in the State of New Jersey is hereby suspended for a period of five (5) years, commencing upon the entry of this Final Consent Order. The suspension is stayed in its entirety and will be served as a period of probation. During the period of probation, the Respondent Critchfield shall comply with the following conditions:

a. The Respondent Critchfield must present a copy of this Final Consent Order to every one of her employers during the period of probation. The Respondent Critchfield shall promptly submit to the Board a writing from each such employer acknowledging receipt of a copy of this Final Consent Order.

b. The Respondent shall submit to the Board on the first day of each month of June, September, December, and March during every year of the period of probation a report from her employment supervisor. Such report shall state whether the

Respondent has satisfactorily fulfilled her duties and responsibilities as a registered pharmacist. Such report shall also state whether the employer is aware of any conduct by the Respondent that violates any policy, statute, rule or regulation governing her conduct as a registered pharmacist. The employer shall report to the Board any information that the employer obtains that indicates the Respondent Critchfield has improperly used or dispensed a controlled dangerous substance, such report to be made orally and in writing within twenty-four (24) hours of the employer learning such information. The Respondent shall also promptly submit to the Board each and every written performance evaluation that she may otherwise receive from her employers.

c. The Respondent shall promptly undergo a psychiatric evaluation by a psychiatrist approved by the Board. The Respondent shall ensure that the psychiatrist shall promptly submit directly to the Board a written report of the evaluation, including any recommendations regarding treatment. The Respondent shall fully comply with whatever treatment recommendations that the evaluating psychiatrist may make.

d. The Respondent shall ensure that her current treating physician, Frank Louis Urbano, M.D., shall, once every four months, submit a written report to the Board regarding any diagnosis of the Respondent, any treatment that Dr. Urbano provides to the Respondent, and any medication of any nature whatsoever that

Dr. Urbano directs or prescribes for the Respondent. If the Respondent changes her treating physician during the term of probation, she must promptly notify the Board in writing of the name and address of her new physician. The Respondent must ensure that such new physician submits, once every four months, a written report to the Board regarding any diagnosis of the Respondent, any treatment rendered to the Respondent, and any medication that such physician may direct or prescribe for Respondent.

e. Throughout the period of probation, the Respondent will not be a registered pharmacist-in-charge of any pharmacy and will not be a pharmacy site permit holder, either directly or indirectly through connection with any person related by blood or marriage.

3. The Respondent will pay a civil penalty of \$10,000.00 to the Board.

4. The Respondent shall pay the Board's costs in this matter, including but not limited to, costs of investigation, expert witness fees and costs, attorney's fees and costs and transcript costs, as allowed by N.J.S.A. 45:1-25(d), such costs being fixed at \$25,707.97.

5. The Respondent shall pay the penalty and costs required required under paragraphs 3 and 4 of this Order, plus interest at the judgment rate as prescribed under R. 4:42-11, in eighteen (18) equal payments, the first such payment to be due on June 1, 2007,

and each subsequent payment to be due on the first day of each succeeding month. The Board may, in its sole discretion, file a Certificate of Debt for the amounts due under this Final Consent Order, such Certificate to be cancelled upon payment in full of the amounts due. If the Respondent fails to make any timely payment required under this paragraph, the Board may, in its sole discretion, accelerate the entire amount then outstanding and demand immediate payment of such amount. The failure of the Board to so accelerate the amount due or to so demand payment shall not constitute a waiver or release of any claim, remedy or right that the Board may have under this paragraph.

6. All payments required under the terms of this Final Consent Order shall be made by certified check or money order payable to the State Board of Pharmacy and shall be delivered to the Executive Director of the Board.

7. Prior to the completion of the period of probation, and for the purposes of assuring the Board that the Respondent has satisfied the terms of her probation set forth herein, the Respondent must appear before the Board and demonstrate that she is fit and competent to practice pharmacy.

8. This Order shall be a full, complete and final resolution of the matter now pending before the Office of Administrative Law entitled In re Cynthia Critchfield, R. Ph. (Docket No. BDSPH 02510-2006S), and the parties hereby consent to the Office of

Administrative Law closing the matter and returning the matter to the Board. The Board shall retain jurisdiction to enforce the terms of this Final Consent Order.

NEW JERSEY STATE BOARD OF PHARMACY

Edward G. McGinley R.Ph

By: Edward G. McGinley
~~Pamela R. Allen~~, R. Ph.
President

I have read the within Final Consent Order. I understand the Final Consent Order and I agree to be bound by its terms and conditions. I hereby consent to the entry of this Final Consent Order.

Cynthia Critchfield, R. Ph.

Cynthia Critchfield, R. Ph.

Dated: 4/16/07

We hereby consent to the form and entry of this Final Consent Order.

Carl D. Poplar

Carl D. Poplar, Esq.
Attorney for the Respondent
Cynthia Critchfield, R. Ph.

Dated: 4/16/07

Stuart Rabner
Attorney General of New Jersey

By:

Kevin R. Jespersen

Kevin R. Jespersen
Deputy Attorney General

Dated: 4/10/07